

IN THE SUPREME COURT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA

*In the matter of an Application under and
in terms of Articles 17 and 126 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka*

SC/FR/165/2020

1. Adambarage Pethum Rangika Alwis
No. 63, Dalandawaththa Rd,
Thalpitiya South, Wadduwa.
2. Medagedara Buddhika Saman Bandara
No. 86, Ambathalawa, Kothmale.
3. Mohottalalage Prakash Senaka Bandara,
No. 195/3, Hall Junction, Uhana.
4. Tikiri Bandage Dissanayake,
Enikat Wiyaparaya, Thodamaduwa,
Siwalakulama.
5. Nammuni Arachchige Prasad Mangala,
No. 966, Maha Pelessa Junction,
Sooriyawewa.
6. Helapitagedara Herath Mudiyanseelage
Milinda Kumara Herath, No. 55/B,
Wattappola, Pilimathalawa.
7. Senapathi Senaka Mendis
No. 106/C, Galle Rd, Ahungalla.
8. Sinhasana Daunda Patabende Gedara
Sudath Sirimewan Nawarathna,
Muruthawa, Ibbagamuwa.
9. Uru Liyanage Don Pradeep Nilanka
“Sirisewana”, Urragoda, Welipenna.

10. Kuruppusoorya Mudiyanseelage Sameera
Kelum Nishshanka
8th Mile Post, Mariarawa, Monaragala.
11. Ranuthunga Arachchilage Pradeep
Tharanga Ranathunga,
Kawayankulama,
Mahakumbukkadawala.
12. Athgamage Charitha Sampath
201, Muthumala Rd, Pallikkudawa,
Tangalle.
13. Koggala Guruge Suranga Kumara
Sanjeewa, No. 68/B, Medabedda,
Wasalakotte.
14. Weerasinghe Mudiyanseelage Nimal
Jayalath Thennakoon, No. 28,
Idamalanda, Adikarigama.
15. Kalu Dewa Jeewan Priyalal
Wickramarathne,
B-46, Ayagama, Dewanagala, Mawanella.
16. Wijeboparathna Appuhamilage Chamara
Suranga Wijeboparathna, No. 20/1,
Gal Lidawaththa, Alhena, Bokalagama.
17. Handunkiri Kumarasinghe
Mudiyanseelage Asantha Wijerathna,
Pansala Rd, Kandulugamuwa,
Negampaha.
18. Edirisinghe Senarath Upali Edirisinghe
32 A, Dehigolla, Nildandahinna.
19. Ekanayake Mudiyanseelage Nishantha
Senarath Ekanayake, No. 120,
Mailewa, Thambuththa.
20. Galewelage Wijitha Indika Galewela
Kethsiri, Habalaththawa,

Thalgaspitiya, Aranayaka.

21. Inoka Sanjaya Hettiarachchi
364/22, Beligahamula Rd,
Negenahira, Doranagoda, Bemmulla.
22. Jayalath Pathiranage Pethum Anjana
Jayalath, No. 89/1,
Kamathawaththa Rd, Rajagiriya.
23. Ranthilaka Durayalage Sanjee Ruwan
Gunathilaka, No. 68, Koslanda, Mehiella,
Kurunegala.
24. Bamunu Arachchige Chaminda Dinesh
Kumara Jayathilaka, No. 129/2B,
Hakwadunna, Nittambuwa.
25. Anoj Mahanaga Karunarathna
No. 59, 2/6, Ranathunga Rd,
Mduwegedara, Nittambuwa.
26. Fernando Mahesh Madhura
No. 17, Sandun Uyana 11,
Thalgasgoda, Dharganagar.
27. Galathara Arachchilage Badraji Lalinda
No. 53, Medawaththagama,
Ragala, Halgranoya.
28. Dhammika Bandara Kandekumbura
No. 05, Udagammedda,
Sirimalwaththa, Unnepana.

Petitioners

Vs.

1. C.D. Wickramarathna,
Acting Inspector General of Police,
Senior Deputy Inspector General,
Police Headquarters, Colombo 1.

- 1A. Mr. Deshabandu Tennakoon,
Inspector General of Police,
Senior Deputy Inspector General,
Police Headquarters, Colombo 1.
[1A Substituted Respondent]
2. Sisira Kumara,
Deputy Inspector General of Police,
Human Resources Management Division,
Police Headquarters,
Colombo 1.
3. Waruna Jayasundara, Deputy Inspector
General of Police – Commandant of the
Special Task Force, Special Task Force,
Baudhaloka Mawatha, Colombo 7.
4. Ajith Rohana, Deputy Inspector General
of Police (Legal), Police Headquarters,
Colombo 1.
5. Amal Abeykoon,
Senior Superintendent of Police (SSP),
Director Personal – Special Task Force
(STF), Special Task Force Camp,
Gonahena, Kadawatha.
6. K.W.E. Karaliyedda,
Chairman, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.
- 6A. E.W.M. Lalith Ekanayake,
Chairman, National Police Commission,
Block No. 09, BMICH Premises,
Buddhaloka Mawatha, Colombo 07.
- 6B. D.K. Renuka Ekanayake,
Member, National Police Commission,
Block No. 9, BMICH Premises,

- Bauddhaloka Premises, Colombo 07.
- 6C. K Karunaharan,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Bauddhaloka Premises, Colombo 07.
- 6D. P.G.S. Gamini de Silva,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Bauddhaloka Premises, Colombo 07.
- 6E. Mr. Dilshan Jayasuriya,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Bauddhaloka Premises, Colombo 07.
- 6F. Mr. A.A.M. Illiyas,
Member, National Police Commission,
Block No. 09, BMICH Premises,
Bauddhaloka Premises, Colombo 07.
[Added 6A to 6F Respondents]
7. Savithri D Wijesekera,
Member, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.
8. Y.L.M. Zawahir,
Member, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.
9. Tilak Collure,
Member, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.
10. Gamini Navarathna,
Member, National Police Commission,
Block No. 9, BMICH premises,

Baudhaloka Mawatha, Colombo 7.

11. Ashoka Wijethilaka,
Member, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.
12. G. Jeyakumar,
Member, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.
- 12A. Hon. Justice Jagath Balapatabendi,
Chairman, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12A RESPONDENT

- 12B. Indrani Sugathdasa,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12B RESPONDENT

- 12C. Mr. V. Shivagnanasothy,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12C RESPONDENT

- 12D. Dr. T.R.C. Ruberu,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12D RESPONDENT

- 12E. Ahamod Lebbe Mohamed Saleem,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12E RESPONDENT

- 12F. Leelasena Liyanagama,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12F RESPONDENT

- 12G. Dian Gomes,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12G RESPONDENT

- 12H. Dilith Jayaweera,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12H RESPONDENT

- 12I. W.H. Piyadasa,
Member, Public Service Commissions,
No. 1200/9, Rajamalwatta Road,
Battaramulla.

ADDED 12I RESPONDENT

13. Nishantha A. Weerasingha,
Secretary, National Police Commission,
Block No. 9, BMICH premises,
Baudhaloka Mawatha, Colombo 7.

- 13A. M.A.B. Daya Senarath,
Secretary, Public Service Commission,
No. 1200/9, Rajamalwatta Mawatha,
Battaramulla.

ADDED 13A RESPONDENT

14. Gen. Kamal Gunarathna,
Secretary, Ministry of Defence,
No. 15/5, Baladaksha Mawatha,

Colombo 03.

15. Hon. Mahinda Rajapaksha,
Hon. Prime Minister and Minister of
Finance, Economy and Policy
Development, Minister of Buddhasasana,
Cultural and Religious Affairs,
Minister of Urban Development, Water
Supply & Housing Facilities,
Prime Minister's Office, No. 58, Sir Ernest
De Silva Mawatha, Colombo 07.
16. Hon. Nimal Siripala de Silva,
Minister of Justice, Human Rights &
Legal Reforms, Ministry of Justice,
Human Rights and Legal Reforms,
Superior Court Complex, Colombo 12.
17. Hon. Arumugan Thondaman,
Minister of Community Empowerment
and Estate Infrastructure Development,
Ministry of Community Empowerment
and Estate Infrastructure Development,
1st Floor, Sethsiripaya (Stage II),
Battharamulla.
18. Hon. Dinesh Gunawardena,
Minister of Foreign Relations and
Minister of Skills Development,
Employment and Labour Relations,
Ministry of Foreign Affairs,
Republic Building, Sir Baron Jayathilake
Mawatha, Colombo 1.
19. Hon. Douglas Devananda,
Minister of Fisheries & Aquatic
Resources, Ministry of Fisheries &
Aquatic Resources, New Secretarial,

Maligawatta, Colombo – 10.

20. Hon. (Mrs.) Pavithra Devi Wanniarachchi,
Minister of Women & Child Affairs and
Social Security, Minister of Healthcare
and Indigenous Medical Services,
Ministry of Healthcare and Indigenous
Medical Services, SUWASIRIPAYA
No. 385, Rev. Baddegama Wimalawansa
Thero Mawatha, Colombo 10.
21. Hon. Bandula Gunawardena
Minister of Information and
Communication Technology and
Minister of Higher Education, Technology
and Innovation, Ministry of Higher
Education, Technology and Innovation,
No. 18, Ward Place, Colombo 07.
22. Hon. Janaka Bandara Tennakoon
Minister of Public Administration, Home
Affairs, Provincial Councils & Local
Government, Ministry of Public
Administration, Home Affairs, Provincial
Councils & Local Government,
Independence Square, Colombo 07.
23. Hon. Chamal Rajapaksa
Minister of Mahaweli, Agriculture,
Irrigation and Rural Development and
Minister of Internal Trade, Food Security
and Consumer Welfare, Ministry of
Mahaweli, Agriculture, Irrigation and
Rural Development, No. 288, Sri
Jayawardenepura Mawatha, Rajagiriya.
24. Hon. Dullas Alahapperuma,
Minister of Education and

- Minister of Sports & Youth Affairs,
Ministry of Education, "Isurupaya",
Pelawatta, Battaramulla
25. Hon. Johnston Fernando,
Minister of Roads and Highways and
Minister of Ports & Shipping,
Ministry of Ports & Shipping,
No. 19, Chaithya Road, Colombo 01
26. Hon. Wimal Weerawansa,
Minister of Small & Medium Business
and Enterprise Development and
Minister of Industries and Supply Chain
Management, Ministry of Industries and
Supply Chain Management,
No. 73/1, Galle Road, Colombo 03.
27. Hon. Mahinda Amaraweera,
Minister of Passenger Transport
Management and Minister of Power &
Energy, Ministry of Power and Energy,
2 Ananda Coomaraswamy Mawatha,
Colombo 07.
28. Hon. S.M. Chandrasena,
Minister of Environment and Wildlife
Resources and Minister of Lands & Land
Development, No. 1090, Sri
Jayawardenapura Mawatha, Rajagiriya.
29. Hon. Ramesh Pathirana, Minister of
Plantation Industries and Export
Agriculture, 11th Floor, Sethsiripaya,
2nd Stage, Battaramulla.
30. Hon. Prasanna Ranatunga,

Minister of Industrial Export and
Investment Promotion, Minister of
Tourism and Civil Aviation,
Office of the Minister, 7th Floor,
No. 78, Galle Road, Colombo 03.

30A. Hon. Dinesh Gunawardena,
Minister of Public Administration, Home
Affairs, Provincial Councils and Local
Government, Prime Minister's Office,
Sir Earnest de Silva Mawatha,
Colombo 7.

30B. Hon. Nimal Siripala de Silva,
Minister of Ports, Shipping and Aviation,
No. 19, Chaithya Road, Colombo 01.

30C. Hon. Douglas Devananda
Minister of Fisheries, Ministry of
Fisheries, New Secretariat,
Maligawaththa, Colombo 10

30D. Hon. Susil Premajayantha,
Minister of Education, Ministry of
Education, "Isurupaya", Battaramulla.

30E. Hon. (Dr.) Bandula Gunawardena,
Minister of Transport and Highways,
Minister of Mass Media,
Ministry of Transport and Highways, 9th
Floor, "Maganeguma Mahamedura",
Denzil Kobbakaduwa Mawatha,
Koswatta.

30F. Hon. Keheliya Rambukwella,
Minister of Health, Minister of Water
Supply, Ministry of Health,
"Suwasiripaya", No. 385,

Rev.Baddegama Wimalawansa Thero
Mawatha, Colombo 10.

- 30G. Hon. Mahinda Amaraweera,
Minister of Agriculture, Minister of
Wildlife & Forest Resources
Conservation, Ministry of Agriculture, No.
85/5, “Govijana Mandiraya”,
Rajamalwattha Road, Battaramulla
- 30H. Hon. (Dr.) Wijayedasa Rajapaksa
Minister of Justice, Prison Affairs and
Constitutional Reforms, Ministry of
Justice, Prison Affairs and Constitutional
Reforms, No. 19, Sri Sangaraja Mawatha,
Colombo 10.
- 30I. Hon. Harin Fernando,
Minister of Tourism and Lands,
Ministry of Tourism and Lands,
2nd Floor, Asset Arcade Building, 51/2/1,
York Street, Colombo 01.
- 30J. Hon. (Dr.) Ramesh Pathirana,
Minister of Plantation Industries,
Minister of Industries, Ministry of
Plantation Industries, 11th Floor, Stage II,
“Sethsiripaya”, Battaramulla.
- 30K. Hon. Prasanna Ranatunga,
Minister of Urban Development and
Housing, Ministry of Urban Development
and Housing, 17th Floor, “Suhurupaya”,
Sri Subhuthi Pura Road, Battaramulla.
- 30L. Hon. Ali Sabry,
Minister of Foreign Affairs,
Ministry of Foreign Affairs,

Republic Building, Sir Baron Jayathilake
Mawatha, Colombo 01.

- 30M. Hon. Vidura Wickramanayaka,
Minister of Buddhasasana, Religious and
Cultural Affairs, Ministry of
Buddhasasana, Religious and Cultural
Affairs, No.135, Srimath Anagarika
Dharmapala Mawatha, Colombo 07.
- 30N. Hon. Kanchana Wijesekera,
Minister of Power and Energy,
Ministry of Power and Energy,
No. 437, Galle Road, Colombo 03.
- 30O. Hon. Naseer Ahamed,
Minister of Environment, Ministry of
Environment, No.416/C/1, “Sobadam
Piyasa”, Robert Gunawardene Mawatha,
Battaramulla.
- 30P. Hon. Roshan Ranasinghe,
Minister of Irrigation, Minister of Sports
& Youth Affairs, Ministry of Sports &
Youth Affairs, No. 09, Pilip Gunawardene
Mawatha, Colombo 07.
- 30Q. Hon. Manusha Nanayakkara,
Minister of Labour and Foreign
Employment, Ministry of Labour and
Foreign Employment, 6th Floor,
“Mehewara Piyasa”, Narahenpita,
Colombo 05.
- 30R. Hon. Tiran Alles,
Minister of Public Security,
Ministry of Public Security,
14th Floor, “Suhurupaya”, Battaramulla.
- 30S. Hon. Nalin Fernando,

Minister of Trade, Commerce and Food
Security, Ministry of Trade, Commerce
and Food Security, No. 492, L.H.
Piyasena Building, R. A. De Mel
Mawatha, Colombo 03.

[ADDED 30A TO 30S RESPONDENTS]

31. Hon. Attorney-General,
Attorney-General's Department,
Hulftsdorp Street, Colombo 12.
32. S. Amarasekera,
Secretary to the Cabinet of Ministers,
Office of the Cabinet of Ministers,
Republic Building, Sir Baron Jayathilaka
Mawatha, Colombo 01.
W.M.D.J. Fernando, Secretary to the
Cabinet of Ministers,
Office of the Cabinet of Ministers,
Republic Building, Sir Baron Jayathilaka
Mawatha, Colombo 01.
[SUBSTITUTED 32ND RESPONDENT]
33. Rajapakshage Amila Wasantha Achira
Nandana,
34. Adikari Mudiyanse Udaya Akalanka
Adikari,
35. A. D. S. Amarasinghe,
36. P. A. N. D. Ariyaratne,
37. Herath Mudiyanse Sugath Darmasiri
Bandara,
38. Kandekumbura Mudiyanse Sarath
Bandara,
39. Pahalagedara Buddhika Chandana
Bandara,
40. W.M.M.S. Bandara,

41. Dangalla Appuhamilage Ajantha
Dangalla,
42. Wanniarachchi Kankananlage Ruwan
Darshana,
43. Galkotuwe Gedara Yohan Ravi
Dayarathna,
44. Disanayake Mudiyanseelage Nuwan
Lakmal Disanayake,
45. H.G.L.P. Gamage,
46. Lahiru Shanaka Gurusinghe,
47. G.P. Hettiarachchi,
48. Ilukkumburage Kasun Indrajith
Ilukkumbura,
49. Layanalpathirathilage Lakshman Kumara
Jayalath,
50. Ethugalperi Durayalage Lalith
Jayarathne,
51. Hettiarachchige Don Nishantha
Jayasekara,
52. Jayasinghe Arachchige Gihan
Madhushanka Jayasinghe,
53. Jayasundara Mudiyanseelage Sameera
Sampath Jayasundara,
54. Karannagoda Mudalige Saman
Jayathilaka,
55. Appuhami Velwidanage Suresh Pradeep
Jayawardane
56. Pathirennelhelage Asela Nuwan
Jayaweera,
57. Udagedara Anuruddha Thushara
Jayaweera,
58. Saman Kumara Kaggodaarachchi

59. Hettiarachchige Mudhushanka Pradeep
Karunarathne,
60. Rathnabahu Mudiyansele Asanka
Kumara Karunasena,
61. Disanayake Mudiyansele Priyantha
Kumara,
62. Katapoluge Sumith Priyantha Kumara,
63. Pothuwila Mudalige Sujith Kumara,
64. Yadage Sisira Kumara,
65. Premasiri Hemasinghalage Dayan Chalith
Kumarasinghe,
66. Edirisinghe Arachchilage Waruna
Lakmal,
67. Rathambala Ralalage Nilanka Chamara
Lakmal,
68. Madapathage Don Tharanga Madapatha,
69. Hewahetti Yohan Madhushanka,
70. Udambage Arachchige Udesa
Madhushanka,
71. Hewadurayalage Gedara Buddika
Sampath Nawarathna,
72. Hitapandure Gedara Sumith Chandana
Nishshanka,
73. Mohomad Kasim Mohomad Akbar Pahad,
74. Henagoda Withanachchi Sumudu
Priyankara,
75. R.A.D.M. Rajapaksha,
76. Rajapaksha Punchi Naida Nambi
Sanjeewa Priyankara Rajapaksha,
77. Amarasinghe Mudiyansele Suranjan
Rajitha,
78. Ranasinghe Arachchilage Samudra
Lankathilaka Ranasinghe,

79. Randeniya Arachchilage Madhushanka
Prabhath Randeniya,
80. Rathnayake Mudiyanseelage Tharanga
Darshana Kumara Rathnayake,
81. Samarasinghe Arachchige Chamila
Sirantha,
82. Pallekandalage Chathura Pradeep
Somapala,
83. Rankothge Sudeera Namal Somathilaka,
84. Kehelgedara Ranjan Udayakumara,
85. Abesundara Disanayake Weerakoon
Weediyabandaralage Lalith Roshana
Weediyabandara,
86. W.G.C.S.K. Wedagedara,
87. W.M.M.M. Wijekoon,
88. Lekam Mudiyanseelage Nishantha
Wijesinghe,
89. S.A.N. Senarathne,
90. W.M.G.R. Weersinghe,
91. H.M.E.U. Perera,
92. M.G.S.G. Jayasinghe,
93. Mohomed Halaldeen Mohamed Pasli
C/O Amal Abeykoon, Senior
Superintendent of Police (SSP),
Director Personal – Special Task Force
(STF), Special Task Force Camp,
Gonahena, Kadawatha.

Respondents

Before: Hon. Chief Justice P. Padman Surasena
Hon. Justice Mahinda Samayawardhena
Hon. Justice Sampath K.B. Wijeratne

Counsel: Sanjeeva Jayawardena, P.C., with Rukshan Senadheera
for the Petitioners.

Fazly Razik, D.S.G., for the Respondents.

Argued on: 30.06.2025

Written submissions:

By the Petitioners on 07.08.2025.

Decided on: 08.09.2026

Samayawardhena, J.

Twenty-eight Petitioners, who are Police Inspectors, filed this application on 11.05.2020 against, *inter alia*, the Inspector General of Police, the National Police Commission, the Cabinet of Ministers, and the Attorney General seeking declarations that their fundamental rights guaranteed under Article 12(1) of the Constitution have been violated by the Respondents.

The Petitioners are Inspectors of Police attached to the Special Task Force of the Sri Lanka Police (STF). The 33rd to 93rd Respondents are also Inspectors of Police attached to the STF and are said to be approximately one year and ten months junior to the Petitioners in service.

By RTM 256 (CRTM 326) dated 07.05.2020, officers attached to the STF were granted one-off promotions in three stages. According to paragraph 2 of the said RTM 256, the said three-stage promotion scheme was introduced pursuant to Cabinet Decision No. 20/0591/203/036-1 dated 26.03.2020. The relevant Cabinet Memorandum is Cabinet Memorandum No. 11/2020 dated 02.03.2020.

Under the first stage of the said scheme, Sub Inspectors of the STF who had completed twelve years of service in the rank of Sub Inspector as at 31.12.2018 were promoted to the rank of Inspector of Police with effect from 01.01.2019.

Under the second stage, Sub Inspectors of the STF who had completed ten years of service in the rank of Sub Inspector as at 31.12.2018 were promoted to the rank of Inspector of Police with effect from 01.07.2019.

Under the third stage, Sub Inspectors of the STF who had completed eight years of service in the rank of Sub Inspector as at 31.12.2018 were promoted to the rank of Inspector of Police with effect from 01.01.2020.

The Petitioners state that, although they were senior to the 33rd to 93rd Respondents by approximately ten months to one year in service, both the Petitioners and the said Respondents were promoted to the rank of Inspector of Police with effect from the same date, namely 01.01.2020, under the third stage of the scheme. According to the Petitioners, this resulted in the narrowing of the seniority gap previously existing between the respective batches of officers. The Petitioners contend that this diminution of the seniority gap adversely affects their future prospects of promotion and thereby violates their fundamental rights guaranteed under Article 12(1) of the Constitution.

I am unable to agree with these submissions.

The material before Court clearly demonstrates that the impugned promotion scheme was introduced as a temporary and exceptional measure in order to address longstanding stagnation prevailing within the Special Task Force of the Sri Lanka Police.

The three stages of the scheme were structured progressively in order to accommodate different categories of officers who had stagnated in the rank of Sub Inspector for prolonged periods.

The Petitioners did not belong to the first stage of the scheme. Officers who had completed twelve years of service as at 31.12.2018 were promoted with effect from 01.01.2019. The Petitioners did not satisfy that criterion.

Similarly, the Petitioners did not belong to the second stage of the scheme. Officers who had completed ten years of service as at 31.12.2018 were promoted with effect from 01.07.2019. The Petitioners did not satisfy that criterion either.

The Petitioners, together with the 33rd to 93rd Respondents, fell within the third stage of the scheme, namely officers who had completed eight years of service as at 31.12.2018 and who were promoted with effect from 01.01.2020.

The Petitioners' complaint is essentially that officers junior to them by approximately ten months to one year were promoted on the same effective date and that, as a result, the previous seniority gap between the batches has narrowed.

However, the very structure of the three-stage scheme demonstrates that the maintenance of seniority gaps was not intended to be a strict mathematical exercise. Between the first stage and the second stage there existed approximately a two-year difference in service, yet the effective dates of promotion reflected only a six-month gap. Likewise, between the second stage and the third stage there existed approximately a further two-year difference in service, yet the seniority gap maintained was again only six months.

Thus, the narrowing of seniority gaps was itself inherent in the structure and design of the one-off scheme introduced to address accumulated stagnation within the STF.

The Petitioners appear to proceed on the basis that the previous seniority gap between batches must necessarily be preserved in perpetuity. Such a contention cannot be accepted.

One-off promotion schemes introduced to alleviate stagnation are temporary and transitional measures adopted in response to prevailing

institutional difficulties. They are not intended to function as permanent or immutable frameworks governing seniority relationships indefinitely.

The Petitioners' real grievance is not directed against the legality of the impugned promotions themselves. Properly analysed, the Petitioners complain that the comparative advantage previously enjoyed by them over the junior batches has been reduced by the implementation of the subsequent stages of the scheme. However, a mere reduction of a comparative advantage or narrowing of a seniority gap does not, without more, amount to unconstitutional discrimination. Even after the implementation of these promotions, the 33rd to 93rd Respondents continued to remain below the Petitioners in the seniority list.

The maintenance of seniority gaps is not an inflexible or mechanical exercise. In phased or staggered promotion schemes introduced to address longstanding stagnation affecting large categories of officers, some narrowing of seniority gaps or transitional disparities may become unavoidable. Such consequences, by themselves, do not amount to hostile discrimination or arbitrary treatment within the meaning of Article 12(1) of the Constitution.

Further, promotion schemes within a large and hierarchical institution such as the Police Department cannot be viewed solely from the standpoint of individual expectations or comparative personal advantage. Such schemes must necessarily take into account broader institutional realities, morale within the service, administrative continuity, cadre management considerations, financial constraints, and the necessity of alleviating accumulated stagnation affecting large numbers of officers.

In *A.S. Sangwan, Col. v. Union of India* AIR 1981 SC 1545, the petitioner, an employee in defence forces, challenged the Government's departure from an earlier, non-statutory executive policy governing promotions to the post of Brigadier in the Directorate of Military Farms. His principal contention was that, since his name had been included in a select list

prepared under the earlier policy, the Government was not entitled to alter that policy before promotions were made. Rejecting the challenge, the Supreme Court of India held that an executive policy relating to promotions is not immutable and may be revised or modified by the Government where there are good and weighty reasons for doing so. Krishna Iyer J. observed:

A policy formulated with regard to promotions is not good forever. It is, therefore, within the competence of Government to change or re-change, adjust or re-adjust it according to compulsion of circumstances and the imperatives of material considerations, when there are good and weighty reasons for doing so.

The formulation of promotion policies and the management of cadre structures within the Police Department involve matters of public policy which primarily fall within the province of the executive and the competent authorities charged with the administration of the Police Department. In terms of Article 55(1) of the Constitution, matters of policy relating to public officers are entrusted to the Cabinet of Ministers. While such decisions remain subject to constitutional scrutiny, courts are generally slow to interfere with policy choices made by the executive unless they are shown to be arbitrary, irrational, *mala fide*, discriminatory, or otherwise unconstitutional.

The doctrine of equality before law and equal protection of law enshrined in Articles 12(1) of the Constitution which is intended to advance justice by avoiding discrimination is attracted only when equals are treated as unequals or where unequals are treated as equals.

In the instant case, the distinctions introduced by the impugned scheme were founded upon objective service-related considerations directly connected to the policy objective sought to be achieved, namely the alleviation of prolonged stagnation within the STF.

In those circumstances, I am unable to hold that the impugned promotions violate Article 12(1) of the Constitution.

For the aforesaid reasons, I hold that the Petitioners have failed to satisfy this Court that their fundamental rights guaranteed under Article 12(1) of the Constitution have been infringed by any of the Respondents.

Accordingly, I dismiss the Petitioners' application, but without costs.

Judge of the Supreme Court

P. Padman Surasena, C.J.

I agree.

Chief Justice

Sampath K.B. Wijeratne, J.

I agree.

Judge of the Supreme Court